

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

SEVENTH DAY — MONDAY, JULY 29, 2013

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 44).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villarba; Villarreal; Vo; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Anchia; Farias; Farrar; Giddings; Martinez Fischer; Rodriguez, J.; Turner, S.

Absent — McClendon; Paddie; Walle.

The speaker recognized Representative Clardy who offered the invocation.

The speaker recognized Representative Clardy who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Anchia on motion of Wu.

Farias on motion of C. Turner.

Farrar on motion of C. Turner.

Giddings on motion of C. Turner.

Martinez Fischer on motion of Wu.

J. Rodriguez on motion of C. Turner.

S. Turner on motion of C. Turner.

(Walle now present)

HR 154 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 154**, suspending the limitations on the conferees for **HJR 2**.

HR 155 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 155**, suspending the limitations on the conferees for **HB 16**.

(Pickett in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 4).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Fallon on motion of Capriglione.

CAPITOL PHYSICIAN

The chair recognized Representative White who presented Dr. Larry Brown of Jasper as the "Doctor for the Day."

The house welcomed Dr. Brown and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

NOTICE GIVEN

Pursuant to the provisions of Rule 14, Section 4 of the House Rules, at 2:15 p.m., the chair announced that Representative Harper-Brown would, in at least one hour, be recognized for the purpose of suspending all necessary rules to consider **HR 154** and **HR 155**.

(Sheets in the chair)

RESOLUTIONS ADOPTED

Representative Farney moved to suspend all necessary rules to take up and consider at this time the following memorial resolutions:

HR 147 (by Guillen), In memory of Maria Elia Gonzalez of Rio Grande City.

HR 151 (by Guillen), In memory of Starr County commissioner Abel Noe Gonzalez, Jr.

HR 188 (by Bohac), In memory of Robert Franklin Dean of Houston.

HR 189 (by Hughes), In memory of Johnnie Ingram Bendy of Mineola.

The motion to suspend all necessary rules prevailed, and the resolutions were unanimously adopted by a rising vote.

RESOLUTIONS ADOPTED

Representative Farney moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions:

HR 138 (by Frullo), Congratulating Richard and Paula Hopson of Lubbock on their 50th wedding anniversary.

HR 139 (by Frullo), Honoring Dr. Dilip K. Pal of Lubbock on his retirement.

HR 140 (by Frullo), Congratulating Kenneth and Barbara Acker of Lubbock on their 55th wedding anniversary.

HR 146 (by J. Sheffield), Honoring Stephenville for its contributions to rodeo and the cowboy way of life.

HR 148 (by Klick), Congratulating Debbie Eskew on her retirement from the City of North Richland Hills.

HR 149 (by Menéndez), Congratulating Oscar Beasley of San Antonio on his 85th birthday.

HR 152 (by Price), Congratulating Brent Weiss of Panhandle Boy Scout Troop No. 501 on attaining the rank of Eagle Scout.

HR 153 (by Price), Congratulating Andrew Jones of Panhandle on becoming an Eagle Scout.

HR 156 (by Guillen), Recognizing Willacy County Commissioners Court for their leadership in economic growth and environmental sustainability.

HR 157 (by Farney), Congratulating Jayme DeSchaaf of Liberty Hill on his graduation from the 58th Texas Game Warden Cadet Class.

HR 158 (by Farney), Honoring Philip Ricker for his service as an intern in the office of State Representative Marsha Farney.

HR 159 (by Ratliff), Recognizing Anne Acuna for her achievements as director of chamber relations of the Farmers Branch Chamber of Commerce.

HR 160 (by Klick), Congratulating the North Richland Hills Parks and Recreation Department on its receipt of the 2013 Texas Gold Medal Award from the Texas Recreation and Park Society.

HR 161 (by Taylor), Congratulating James M. Parks on his retirement as executive director of the North Texas Municipal Water District.

HR 162 (by Sanford), Honoring Sandra Harman for serving as Republican Party precinct chair of Precinct 173 in Collin County.

HR 163 (by Sanford), Honoring Kelly Cooper for serving as Republican Party precinct chair of Precinct 178 in Collin County.

HR 164 (by Sanford), Honoring Bob Collins for serving as Republican Party precinct chair of Precinct 189 in Collin County.

HR 165 (by Sanford), Honoring Jim Lewis II for serving as Republican Party precinct chair of Precinct 156 in Collin County.

HR 166 (by Sanford), Honoring James Tucker for serving as Republican Party precinct chair of Precinct 155 in Collin County.

HR 167 (by Sanford), Honoring Leland Dysart for serving as Republican Party precinct chair of Precinct 150 in Collin County.

HR 168 (by Sanford), Honoring Bracy Wilson for serving as Republican Party precinct chair of Precinct 149 in Collin County.

HR 169 (by Sanford), Honoring Derek Baker for serving as Republican Party precinct chair of Precinct 131 in Collin County.

HR 170 (by Sanford), Honoring James Hume for serving as Republican Party precinct chair of Precinct 140 in Collin County.

HR 171 (by Sanford), Honoring Mark Rutledge for serving as Republican Party precinct chair of Precinct 129 in Collin County.

HR 172 (by Sanford), Honoring John Greer for serving as Republican Party precinct chair of Precinct 2 in Collin County.

HR 173 (by Sanford), Honoring Rick Neudorff for serving as Republican Party precinct chair of Precinct 9 in Collin County.

HR 174 (by Sanford), Honoring Carroll Maxwell for serving as Republican Party precinct chair of Precinct 12 in Collin County.

HR 175 (by Sanford), Honoring Dick Smith for serving as Republican Party precinct chair of Precinct 13 in Collin County.

HR 176 (by Sanford), Honoring Jim Bortzfield for serving as Republican Party precinct chair of Precinct 16 in Collin County.

HR 177 (by Sanford), Honoring Sara Ruppel for serving as Republican Party precinct chair of Precinct 38 in Collin County.

HR 178 (by Sanford), Honoring T. J. Lane for serving as Republican Party precinct chair of Precinct 44 in Collin County.

HR 179 (by Sanford), Honoring Ann Sampson for serving as Republican Party precinct chair of Precinct 57 in Collin County.

HR 180 (by Sanford), Honoring Mary Jane Walker for serving as Republican Party precinct chair of Precinct 163 in Collin County.

HR 181 (by Sanford), Honoring Donna Bradshaw for serving as Republican Party precinct chair of Precinct 96 in Collin County.

HR 182 (by Sanford), Honoring Joy Flavill for serving as Republican Party precinct chair of Precinct 97 in Collin County.

HR 183 (by Sanford), Honoring Joanna Arnold for serving as Republican Party precinct chair of Precinct 169 in Collin County.

HR 184 (by Sanford), Honoring Carolyn Barry for serving as Republican Party precinct chair of Precinct 99 in Collin County.

HR 185 (by Sanford), Honoring Chris Freeman for serving as Republican Party precinct chair of Precinct 102 in Collin County.

HR 186 (by Sanford), Honoring Sue Cravy for serving as Republican Party precinct chair of Precinct 126 in Collin County.

HR 187 (by Sanford), Honoring Durinda Fisher for serving as Republican Party precinct chair of Precinct 172 in Collin County.

The motion to suspend all necessary rules prevailed, and the resolutions were adopted.

HOUSE AT EASE

At 2:21 p.m., the chair announced that the house would stand at ease.

The speaker called the house to order at 3:39 p.m.

RULES SUSPENDED

Pursuant to notice of intent given earlier today, Representative Pickett moved to suspend all necessary rules to consider **HR 154** and **HR 155** at this time.

The motion prevailed by (Record 45): 135 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.;

Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Fallon; Farias; Farrar; Giddings; Martinez Fischer; Rodriguez, J.; Turner, S.

Absent — Branch; King, P.; McClendon; Paddie.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important state business:

Deshotel on motion of Taylor.

HR 154 - ADOPTED

(by Pickett)

The following privileged resolution was laid before the house:

HR 154

BE IT RESOLVED by the House of Representatives of the State of Texas, 83rd Legislature, 2nd Called Session, 2013, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HJR 2** (a constitutional amendment to provide for the transfer of certain general revenue to the economic stabilization fund and to the state highway fund and for the dedication of the revenue transferred to the state highway fund) to consider and take action on the following matters:

(1) House Rule 13, Section (9)(a)(1), is suspended to allow the committee to change, alter, or amend text on a matter not in disagreement in the temporary provision added by SECTION 2 of the joint resolution to read as follows:

(c) This temporary provision expires January 1, 2017.

Explanation: This change is necessary to ensure that the temporary provision remains in place for a sufficient period.

(2) House Rule 13, Section (9)(a)(1), is suspended to allow the committee to change, alter, or amend text on a matter not in disagreement in SECTION 3 of the joint resolution to read as follows:

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2014. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the use and dedication of certain money transferred to the state highway fund to assist in the completion of transportation construction, maintenance, and rehabilitation projects, not to include toll roads."

Explanation: This change is necessary to provide for the election on the proposed constitutional amendment to be held in November 2014.

HR 154 was adopted by (Record 46): 134 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Dukes; Dutton; Eiland; Elkins; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rose; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Deshotel; Fallon; Farias; Farrar; Giddings; Martinez Fischer; Rodriguez, J.; Turner, S.

Absent — King, P.; McClendon; Paddie; Sanford.

HJR 2 - MOTION TO ADOPT CONFERENCE COMMITTEE REPORT

Representative Pickett submitted the following conference committee report on **HJR 2**:

Austin, Texas, July 28, 2013

The Honorable David Dewhurst
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HJR 2** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Nichols
Whitmire
Hinojosa
Eltime
Williams

On the part of the senate

Pickett
Darby
Geren
Phillips

On the part of the house

HJR 2, A joint resolution proposing a constitutional amendment to provide for the transfer of certain general revenue to the economic stabilization fund and to the state highway fund and for the dedication of the revenue transferred to the state highway fund.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 49-g, Article III, Texas Constitution, is amended by amending Subsections (c), (d), and (e) and adding Subsections (c-1) and (c-2) to read as follows:

(c) Not later than the 90th day of each fiscal year, the comptroller of public accounts shall transfer from the general revenue fund to the economic stabilization fund and the state highway fund the sum of the amounts described ~~[prescribed]~~ by Subsections (d) and (e) of this section, to be allocated as provided by Subsections (c-1) and (c-2) of this section. However, if necessary and notwithstanding the allocations prescribed by Subsections (c-1) and (c-2) of this section, the comptroller shall reduce proportionately the amounts described by Subsections (d) and (e) of this section to be transferred and allocated to the economic stabilization fund to prevent the amount in that [the] fund from exceeding the limit in effect for that biennium under Subsection (g) of this section. Revenue transferred to the state highway fund under this subsection may be used only for constructing, maintaining, and acquiring rights-of-way for public roadways other than toll roads.

(c-1) Of the sum of the amounts described by Subsections (d) and (e) of this section and required to be transferred from the general revenue fund under Subsection (c) of this section, the comptroller shall allocate one-half to the economic stabilization fund and the remainder to the state highway fund, except as provided by Subsection (c-2) of this section.

(c-2) The legislature by general law shall provide for a procedure by which the allocation of the sum of the amounts described by Subsections (d) and (e) of this section may be adjusted to provide for a transfer to the economic stabilization fund of an amount greater than the allocation provided for under Subsection (c-1) of this section with the remainder of that sum, if any, allocated for transfer to the state highway fund. The allocation made as provided by that general law is binding on the comptroller for the purposes of the transfers required by Subsection (c) of this section.

(d) If in the preceding year the state received from oil production taxes a net amount greater than the net amount of oil production taxes received by the state in the fiscal year ending August 31, 1987, the comptroller shall transfer under Subsection (c) of this section and allocate in accordance with Subsections (c-1) and (c-2) of this section ~~[to the economic stabilization fund]~~ an amount equal to 75 percent of the difference between those amounts. The comptroller shall retain the remaining 25 percent of the difference as general revenue. In computing the net amount of oil production taxes received, the comptroller may not consider refunds paid as a result of oil overcharge litigation.

(e) If in the preceding year the state received from gas production taxes a net amount greater than the net amount of gas production taxes received by the state in the fiscal year ending August 31, 1987, the comptroller shall transfer under Subsection (c) of this section and allocate in accordance with Subsections (c-1) and (c-2) of this section ~~[to the economic stabilization fund]~~ an amount equal to 75 percent of the difference between those amounts. The comptroller shall retain the remaining 25 percent of the difference as general revenue. For the purposes of this subsection, the comptroller shall adjust the ~~[his]~~ computation of revenues to reflect only 12 months of collection.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 83rd Legislature, 2nd Called Session, 2013, to provide for the transfer of certain general revenue to the economic stabilization fund and to the state highway fund and for the dedication of the revenue transferred to the state highway fund.

(b) The amendment to Section 49-g, Article III, of this constitution takes effect immediately on the final canvass of the election on the amendment. If, between September 1, 2014, and the effective date of that constitutional amendment, the comptroller of public accounts has transferred from general revenue to the economic stabilization fund amounts in accordance with Subsections (c), (d), and (e) of that section, as those subsections existed at the time of the transfer, as soon as practicable after the effective date of the amendment, the comptroller shall return the transferred amounts from the economic stabilization fund to general revenue and transfer from general revenue to the economic stabilization fund and the state highway fund amounts in accordance with the amended provisions and in accordance with general law, notwithstanding the requirement of Subsection (c) of that section that the transfers for that fiscal year be made before the 90th day of the fiscal year beginning September 1, 2014.

(c) This temporary provision expires January 1, 2017.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2014. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the use and dedication of certain money transferred to the state highway fund to assist in the completion of transportation construction, maintenance, and rehabilitation projects, not to include toll roads."

Representative Pickett moved to adopt the conference committee report on **HJR 2**.

The motion to adopt the conference committee report on **HJR 2** was lost by (Record 47): 84 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Callegari; Capriglione; Clardy; Cook; Cortez; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Eiland; Elkins; Farney; Fletcher; Geren; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen;

Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hunter; Johnson; Kacal; King, K.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Longoria; Lozano; Lucio; Martinez; Menéndez; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Orr; Otto; Perez; Phillips; Pickett; Pitts; Raney; Ratliff; Raymond; Riddle; Rodriguez, E.; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Springer; Stephenson; Thompson, E.; Toth; Villalba; Workman; Wu.

Nays — Allen; Burnam; Button; Collier; Craddick; Davis, Y.; Dukes; Dutton; Flynn; Frank; Frullo; Goldman; Gooden; Gutierrez; Hughes; Isaac; King, P.; King, S.; Laubenberg; Lavender; Leach; Lewis; Miles; Parker; Perry; Price; Rose; Sanford; Schaefer; Simpson; Smithee; Stickland; Taylor; Thompson, S.; Turner, C.; Turner, E.S.; Vo; Walle; White; Zedler.

Present, not voting — Mr. Speaker(C); Reynolds.

Absent, Excused — Anchia; Deshotel; Fallon; Farias; Farrar; Giddings; Martinez Fischer; Rodriguez, J.; Turner, S.

Absent — Canales; Carter; Coleman; Keffer; Krause; Márquez; McClendon; Miller, D.; Oliveira; Paddie; Patrick; Ritter; Villarreal; Zerwas.

STATEMENTS OF VOTE

When Record No. 47 was taken, I was temporarily out of the house chamber. I would have voted no.

Carter

When Record No. 47 was taken, I was temporarily out of the house chamber. I would have voted no.

Krause

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business:

Carter on motion of J. Davis.

Keffer on motion of Murphy.

Márquez on motion of N. Gonzalez.

D. Miller on motion of Button.

Ritter on motion of Harless.

The following member was granted leave of absence for the remainder of today because of illness:

Oliveira on motion of Moody.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Patrick on motion of Alvarado.

The following member was granted leave of absence for the remainder of today because of important family business:

Canales on motion of Longoria.

The following member was granted leave of absence for today because of important business:

McClendon on motion of Raymond.

The following member was granted leave of absence for today because of important business in the district:

Paddie on motion of Larson.

HR 155 - ADOPTED
(by Pickett)

The following privileged resolution was laid before the house:

HR 155

BE IT RESOLVED by the House of Representatives of the State of Texas, 83rd Legislature, 2nd Called Session, 2013, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 16** (the creation and functions of legislative select committees on transportation funding, expenditures, and finance and to the preservation of a sufficient balance in the economic stabilization fund) to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(1) and (2), are suspended to permit the committee to change, alter, amend, and omit text which is not in disagreement in Section 1 of the bill to read as follows:

SECTION 1. (a) The speaker of the house of representatives shall appoint nine members to a House Select Committee on Transportation Funding, Expenditures, and Finance and designate one member as chair. The lieutenant governor shall appoint nine members to a Senate Select Committee on Transportation Funding, Expenditures, and Finance and designate one member as chair. The speaker and lieutenant governor shall make the appointments not later than November 30, 2013.

(b) The committees established under this section may meet separately at the call of the chair of the committee or jointly at the call of both chairs. In joint meetings, the chairs shall act as joint chairs.

(c) The committees established under this section, meeting separately or jointly, shall review, study, and evaluate:

(1) the future reliability of all current state transportation funding sources;

(2) alternatives that may increase available state funding for surface transportation, including an examination of increases to current surface-transportation-related funding streams and possible diversions of non-surface-transportation-related funding streams toward surface transportation funding;

(3) the use of debt financing in state transportation funding, including the uses of the Texas Mobility Fund, and the effects on long-term transportation planning of using debt financing;

(4) alternative transportation funding options in use nationally and internationally;

(5) current and historic appropriations to the Texas Department of Transportation, including:

(A) whether that agency's budget structure best maximizes the application of limited public funds toward highway maintenance and construction;

(B) whether there are opportunities to reduce the use of money from the state highway fund by that agency for activities not related to highway maintenance and construction, including such uses as employee salaries and benefits; and

(C) possible benefits of developing a budget for that agency for the 2016-2017 state fiscal biennium using zero-based budgeting principles;

(6) the uses of the state highway fund for agencies other than the Texas Department of Transportation, including and emphasizing the use of that fund for the Department of Public Safety of the State of Texas; and

(7) the original purpose of the economic stabilization fund established by Section 49-g, Article III, Texas Constitution, whether that purpose remains relevant, and whether it remains appropriate to continue using the net amount of oil and gas production taxes received in the 1987 state fiscal year as the basis for making general revenue transfers to the economic stabilization fund.

(d) Following consideration of the factors described by Subsection (c) of this section, the committees established under this section shall jointly adopt recommendations related to the reviewed subjects and shall provide a written report of the committees' recommendations on the reviewed subjects to the legislature not later than November 1, 2014.

(e) The committees established under this section may exercise any power of a committee of their respective chambers and any powers of a joint committee. For the purposes of this Act, the committees established under this section are considered a joint committee and the cost of operation of each committee may be borne in the same manner as the cost of a joint committee. The Texas Legislative Council may provide funding for the operations of the committees. To the extent not inconsistent with this resolution, the joint rules adopted by the 83rd Legislature for the administration of joint interim legislative study committees apply to the committees established under this section.

(f) This section expires January 13, 2015.

Explanation: The change is necessary to replace the joint committee and study regarding the economic stabilization fund included as provided by each chamber's version of the bill with select committees to study the matters described by Section 1 of the bill and to provide for the expiration of the select committees.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter which is not included in either the House or Senate version of the bill to read as follows:

SECTION 2. (a) Chapter 316, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. PRESERVATION OF SUFFICIENT BALANCE IN
ECONOMIC STABILIZATION FUND

Sec. 316.091. DEFINITION. In this subchapter:

(1) "Board" means the Legislative Budget Board.

(2) "Fund" means the economic stabilization fund.

Sec. 316.092. DETERMINATION OF SUFFICIENT BALANCE. (a) For the purposes of Section 49-g(c-2), Article III, Texas Constitution, before the board submits the budget as prescribed by Section 322.008(c), the board shall determine and adopt for the next state fiscal biennium a sufficient balance of the fund in an amount that the board estimates will ensure an appropriate amount of revenue available in the fund. In determining the sufficient balance for each that fiscal biennium, the board shall consider:

(1) the history of fund balances;

(2) the history of transfers to the fund;

(3) estimated fund balances during that fiscal biennium;

(4) estimated transfers to the fund to occur during that fiscal biennium;

(5) information available to the board regarding state highway congestion and funding demands; and

(6) any other information requested by the board regarding the state's financial condition.

(b) On or before October 1 of each even-numbered year, the comptroller shall provide to the board the comptroller's projection of the amounts to be transferred to the fund during the next state fiscal biennium.

Sec. 316.093. ADJUSTMENT OF CONSTITUTIONAL ALLOCATIONS TO FUND AND STATE HIGHWAY FUND. (a) Before the comptroller makes transfers for a state fiscal year in accordance with Section 49-g(c), Article III, Texas Constitution, the comptroller shall determine whether the sum of the balance of the fund on the preceding August 31, any projected transfer to the fund under Sections 49-g(b) of that article, and any projected transfer to the fund under Section 49-g(c) of that article in accordance with the allocations for the transfer as provided by Section 49-g(c-1) of that article is less than the sufficient balance adopted under Section 316.092.

(b) If the sum described by Subsection (a) is less than the sufficient balance adopted under Section 316.092, the comptroller shall adjust the allocation of amounts to be transferred to the fund and to the state highway fund as provided by Section 49-g(c), Article III, Texas Constitution, so that:

(1) the amount allocated for transfer to the fund is increased by an additional amount equal to the lesser of the remaining one-half of the sum of the amounts allocated for transfer under Sections 49-g (d) and (e) of that article or the

amount necessary for the sufficient balance to be reached when considered together with other estimated transfers to the fund during the then-current fiscal year; and

(2) the amount allocated for transfer to the state highway fund is reduced by the amount of the increased allocation to the fund under Subdivision (1).

(c) If the board has not adopted under Section 316.092 a sufficient balance for the comptroller to consider under this section, the comptroller shall adjust the allocation of amounts to be transferred to the fund and to the state highway fund as provided by Section 49-g(c), Article III, Texas Constitution, so that the total of those amounts are transferred to the economic stabilization fund, except that the comptroller shall reduce a transfer made under this subsection as necessary to prevent the amount in the fund from exceeding the limit in effect for that biennium under Section 49-g(g) of that article.

(d) As soon as practicable after the effective date of this section, the board shall determine and adopt a sufficient balance of the fund applicable to the transfers to be made under Section 49-g(c), Article III, Texas Constitution, for the state fiscal year beginning September 1, 2014, and a sufficient balance of the fund applicable to the transfers to be made under that section for the next fiscal biennium. The comptroller may not make the transfers required under that section for the state fiscal year beginning September 1, 2014, until the board has adopted a sufficient balance under this subsection. However, if the board has not adopted the balance before the 30th day after the effective date of this section, the comptroller shall make that transfer on the 30th day after the effective date of this section in accordance with Subsection (c) of this section. This subsection expires September 1, 2015.

(b) This section takes effect immediately on the final canvass of the election on the constitutional amendment proposed by the 83rd Legislature, 2nd Called Session, 2013, to provide for the transfer of certain general revenue to the economic stabilization fund and the state highway fund and for the dedication of the revenue transferred to the state highway fund, but only if that amendment is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

Explanation: The change is necessary to provide a general law procedure for allocation of certain amounts to be transferred under Section 49-g, Article III, Texas Constitution, as would be required if the constitutional amendment proposed by **HJR 2** is approved by the voters.

(3) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to change, alter, amend, and add text on a matter which is not in disagreement to read as follows:

SECTION 3. Except as otherwise provided by this Act:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

Explanation: The change is necessary to allow for the select committees provided for to begin functioning earlier and to provide for a contingent effective date for the general law procedure, as provided by the bill, for allocation of certain amounts to be transferred under Section 49-g, Article III, Texas Constitution, as would be required if the constitutional amendment proposed by **HJR 2** is approved by the voters.

HR 155 was adopted by (Record 48): 126 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Dukes; Dutton; Eiland; Elkins; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Menéndez; Miles; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Orr; Otto; Parker; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler.

Nays — Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Canales; Carter; Deshotel; Fallon; Farias; Farrar; Giddings; Keffer; Márquez; Martinez Fischer; McClendon; Miller, D.; Oliveira; Paddie; Patrick; Ritter; Rodriguez, J.; Turner, S.

Absent — Krause; Zerwas.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Villarreal on motion of Howard.

HB 16 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Pickett submitted the following conference committee report on **HB 16**:

Austin, Texas, July 28, 2013

The Honorable David Dewhurst
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 16** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Nichols
Whitmire
Hinojosa
Eltime
Williams

Harper-Brown
Larson
Otto
Pickett

On the part of the senate

On the part of the house

HB 16, A bill to be entitled An Act relating to the creation and functions of legislative select committees on transportation funding, expenditures, and finance and to the preservation of a sufficient balance in the economic stabilization fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) The speaker of the house of representatives shall appoint nine members to a House Select Committee on Transportation Funding, Expenditures, and Finance and designate one member as chair. The lieutenant governor shall appoint nine members to a Senate Select Committee on Transportation Funding, Expenditures, and Finance and designate one member as chair. The speaker and lieutenant governor shall make the appointments not later than November 30, 2013.

(b) The committees established under this section may meet separately at the call of the chair of the committee or jointly at the call of both chairs. In joint meetings, the chairs shall act as joint chairs.

(c) The committees established under this section, meeting separately or jointly, shall review, study, and evaluate:

(1) the future reliability of all current state transportation funding sources;

(2) alternatives that may increase available state funding for surface transportation, including an examination of increases to current surface-transportation-related funding streams and possible diversions of non-surface-transportation-related funding streams toward surface transportation funding;

(3) the use of debt financing in state transportation funding, including the uses of the Texas Mobility Fund, and the effects on long-term transportation planning of using debt financing;

(4) alternative transportation funding options in use nationally and internationally;

(5) current and historic appropriations to the Texas Department of Transportation, including:

(A) whether that agency's budget structure best maximizes the application of limited public funds toward highway maintenance and construction;

(B) whether there are opportunities to reduce the use of money from the state highway fund by that agency for activities not related to highway maintenance and construction, including such uses as employee salaries and benefits; and

(C) possible benefits of developing a budget for that agency for the 2016-2017 state fiscal biennium using zero-based budgeting principles;

(6) the uses of the state highway fund for agencies other than the Texas Department of Transportation, including and emphasizing the use of that fund for the Department of Public Safety of the State of Texas; and

(7) the original purpose of the economic stabilization fund established by Section 49-g, Article III, Texas Constitution, whether that purpose remains relevant, and whether it remains appropriate to continue using the net amount of oil and gas production taxes received in the 1987 state fiscal year as the basis for making general revenue transfers to the economic stabilization fund.

(d) Following consideration of the factors described by Subsection (c) of this section, the committees established under this section shall jointly adopt recommendations related to the reviewed subjects and shall provide a written report of the committees' recommendations on the reviewed subjects to the legislature not later than November 1, 2014.

(e) The committees established under this section may exercise any power of a committee of their respective chambers and any powers of a joint committee. For the purposes of this Act, the committees established under this section are considered a joint committee and the cost of operation of each committee may be borne in the same manner as the cost of a joint committee. The Texas Legislative Council may provide funding for the operations of the committees. To the extent not inconsistent with this resolution, the joint rules adopted by the 83rd Legislature for the administration of joint interim legislative study committees apply to the committees established under this section.

(f) This section expires January 13, 2015.

SECTION 2. (a) Chapter 316, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. PRESERVATION OF SUFFICIENT BALANCE IN
ECONOMIC STABILIZATION FUND

Sec. 316.091. DEFINITION. In this subchapter:

(1) "Board" means the Legislative Budget Board.

(2) "Fund" means the economic stabilization fund.

Sec. 316.092. DETERMINATION OF SUFFICIENT BALANCE. (a) For the purposes of Section 49-g(c-2), Article III, Texas Constitution, before the board submits the budget as prescribed by Section 322.008(c), the board shall determine and adopt for the next state fiscal biennium a sufficient balance of the fund in an amount that the board estimates will ensure an appropriate amount of revenue available in the fund. In determining the sufficient balance for each that fiscal biennium, the board shall consider:

(1) the history of fund balances;

(2) the history of transfers to the fund;

(3) estimated fund balances during that fiscal biennium;

(4) estimated transfers to the fund to occur during that fiscal biennium;
(5) information available to the board regarding state highway congestion and funding demands; and

(6) any other information requested by the board regarding the state's financial condition.

(b) On or before October 1 of each even-numbered year, the comptroller shall provide to the board the comptroller's projection of the amounts to be transferred to the fund during the next state fiscal biennium.

Sec. 316.093. ADJUSTMENT OF CONSTITUTIONAL ALLOCATIONS TO FUND AND STATE HIGHWAY FUND. (a) Before the comptroller makes transfers for a state fiscal year in accordance with Section 49-g(c), Article III, Texas Constitution, the comptroller shall determine whether the sum of the balance of the fund on the preceding August 31, any projected transfer to the fund under Sections 49-g(b) of that article, and any projected transfer to the fund under Section 49-g(c) of that article in accordance with the allocations for the transfer as provided by Section 49-g(c-1) of that article is less than the sufficient balance adopted under Section 316.092.

(b) If the sum described by Subsection (a) is less than the sufficient balance adopted under Section 316.092, the comptroller shall adjust the allocation of amounts to be transferred to the fund and to the state highway fund as provided by Section 49-g(c), Article III, Texas Constitution, so that:

(1) the amount allocated for transfer to the fund is increased by an additional amount equal to the lesser of the remaining one-half of the sum of the amounts allocated for transfer under Sections 49-g (d) and (e) of that article or the amount necessary for the sufficient balance to be reached when considered together with other estimated transfers to the fund during the then-current fiscal year; and

(2) the amount allocated for transfer to the state highway fund is reduced by the amount of the increased allocation to the fund under Subdivision (1).

(c) If the board has not adopted under Section 316.092 a sufficient balance for the comptroller to consider under this section, the comptroller shall adjust the allocation of amounts to be transferred to the fund and to the state highway fund as provided by Section 49-g(c), Article III, Texas Constitution, so that the total of those amounts are transferred to the economic stabilization fund, except that the comptroller shall reduce a transfer made under this subsection as necessary to prevent the amount in the fund from exceeding the limit in effect for that biennium under Section 49-g(g) of that article.

(d) As soon as practicable after the effective date of this section, the board shall determine and adopt a sufficient balance of the fund applicable to the transfers to be made under Section 49-g(c), Article III, Texas Constitution, for the state fiscal year beginning September 1, 2014, and a sufficient balance of the fund applicable to the transfers to be made under that section for the next fiscal biennium. The comptroller may not make the transfers required under that section for the state fiscal year beginning September 1, 2014, until the board has adopted a sufficient balance under this subsection. However, if the board has not adopted

the balance before the 30th day after the effective date of this section, the comptroller shall make that transfer on the 30th day after the effective date of this section in accordance with Subsection (c) of this section. This subsection expires September 1, 2015.

(b) This section takes effect immediately on the final canvass of the election on the constitutional amendment proposed by the 83rd Legislature, 2nd Called Session, 2013, to provide for the transfer of certain general revenue to the economic stabilization fund and the state highway fund and for the dedication of the revenue transferred to the state highway fund, but only if that amendment is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

SECTION 3. Except as otherwise provided by this Act:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

Representative Pickett moved to adopt the conference committee report on **HB 16**.

The motion to adopt the conference committee report on **HB 16** prevailed by (Record 49): 69 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Ashby; Bell; Bohac; Branch; Callegari; Capriglione; Clardy; Cook; Cortez; Crownover; Dale; Darby; Davis, J.; Eiland; Elkins; Fletcher; Frank; Geren; Gonzales; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Huberty; Hunter; Johnson; Kacal; King, K.; King, T.; Kleinschmidt; Kuempel; Larson; Lewis; Longoria; Lozano; Lucio; Martinez; Menéndez; Miller, R.; Moody; Muñoz; Murphy; Naishtat; Nevárez; Orr; Otto; Perez; Phillips; Pickett; Pitts; Raney; Ratliff; Raymond; Riddle; Rodriguez, E.; Sheffield, J.; Sheffield, R.; Smith; Stephenson; Thompson, E.; Toth; Villalba; Workman; Wu.

Nays — Allen; Anderson; Aycok; Bonnen, D.; Bonnen, G.; Burkett; Burnam; Button; Collier; Craddick; Creighton; Davis, S.; Davis, Y.; Dukes; Dutton; Farney; Flynn; Frullo; Goldman; González, M.; Gonzalez, N.; Gooden; Gutierrez; Hilderbran; Hughes; Isaac; King, P.; King, S.; Klick; Kolkhorst; Laubenberg; Lavender; Leach; Miles; Morrison; Parker; Perry; Price; Reynolds; Rose; Sanford; Schaefer; Sheets; Simmons; Simpson; Springer; Stickland; Taylor; Thompson, S.; Turner, C.; Turner, E.S.; Vo; Walle; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Canales; Carter; Deshotel; Fallon; Farias; Farrar; Giddings; Keffer; Márquez; Martinez Fischer; McClendon; Miller, D.; Oliveira; Paddie; Patrick; Ritter; Rodriguez, J.; Turner, S.; Villarreal.

Absent — Coleman; Krause; Smithee; Zerwas.

STATEMENTS OF VOTE

I was shown voting no on Record No. 49. I intended to vote yes.

Farney

When Record No. 49 was taken, I was temporarily out of the house chamber. I would have voted no.

Krause

REASON FOR VOTE

I voted no on **HB 16** because it did not include the house amendment that dedicated one-third of the motor vehicle sales tax growth to highway funding. I believe dedicating a tax that is already being collected, that currently goes into general revenue, is prudent and because it is related to car and truck sales, is in essence a user fee that should appropriately be used to fund highways.

Kolkhorst

RECESS

Representatives Márquez, Eiland, and Alonzo moved that the house recess until 2 p.m. tomorrow in memory of Colin Coe of Austin and George Mitchell of Galveston.

The motion prevailed.

The house accordingly, at 4:58 p.m., recessed until 2 p.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 4

HCR 3, HCR 5, HCR 6, HCR 9, HCR 10, HCR 12, HCR 19

APPENDIX

ENROLLED

July 26 - HCR 3, HCR 5, HCR 6, HCR 9, HCR 10, HCR 12, HCR 19

SENT TO THE GOVERNOR

July 26 - HCR 7, HCR 14, HCR 16, HCR 18